IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 6656 of 2004(P)

AGAINST THE ORDER IN (DRC.624/SIB/EKM) IN
OA.1591/1998 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

1. C.M.ABDUL RAHIMAN, AGED 67 YEARS,
   S/O.LATE MOHAMMED, CHANGALACHATH HOUSE,
   AROOR, CHERTHALA, ALAPPUZHA.

2. C.M.ABDUL KHADER, AGED 69 YEARS,
   S/O.LATE MOHAMMED, HEERA TRAVELS,
   61/PULYANTHOPE, HIGH ROAD, CHENNAI 600 012.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.JACOB SEBASTIAN
SRI.PRAVEEN K. JOY

RESPONDENTS:

1. THE SOUTH INDIAN BANK LIMITED,
   OVERSEAS BRANCH, SHANMUGHAM ROAD,
   ERNAKULAM, KOCHI - 31, REP. BY ITS MANAGER.

2. THE RECOVERY OFFICER,
   DEBT RECOVERY TRIBUNAL ERNAKULAM.

BY ADV. SRI.K.PRABHAKARAN, SC,SOUTH INDIAN BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1: TRUE PHOTOCOPY OF REPLY STATEMENT IN OA.1591/98 DT.25.4.01.

EXT.P2: TRUE PHOTOCOPY OF LETTER DATED 29.11.00.

EXT.P3: TRUE PHOTOCOPY OF LETTER DATED 22.05.2002.

EXT.P4: TRUE PHOTOCOPY OF LETTER DT.2.1.02.

EXT.P5: TRUE PHOTOCOPY OF ORDER IN OA.1591/98 DT.8.8.01.

EXT.P6: TRUE PHOTOCOPY OF LETTER ISSUED BY PETITIONER TO THE 1ST RESPONDENT DATED NIL.

EXT.P7: TRUE PHOTOCOPY OF APPLICATION NO.328/04 IN OA.NO.1591/98 DATED 9.2.04.

EXT.P8: TRUE PHOTOCOPY OF APPLICATION NO.331/2004 IN OA.1591/98 DATED 9.2.04.

EXT.P9: TRUE PHOTOCOPY OF SALE NOTICE IN DRC.624/SIB DATED 21.1.04 ISSUED BY 2ND RESPONDENT.

EXT.P10:TRUE PHOTOCOPY OF LETTER DATED 6.12.03.

/TRUE COPY/

P.A TO JUDGE

KURIAN JOSEPH, J.

W.P. (C). NO. 6656 OF 2004

Dated this the 17th day of August, 2007.

J U D G M E N T

Prayer is only for a direction to the Debt Recovery Tribunal, Ernakulam to pass orders on Exhibits P7 and P8 and to keep in abeyance all recovery proceedings pursuant to Exhibit P9 till such time.

2. Learned counsel for the first respondent submits that the petitioners have not complied with the conditions attached to the interim order passed by this Court.

Be that as it may. In case no orders have been passed on Exhibits P7 and P8, the Tribunal shall dispose of the applications in accordance with law within a period of three months from the date of production of a copy of this judgment. Further recovery shall be deferred till such time.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp